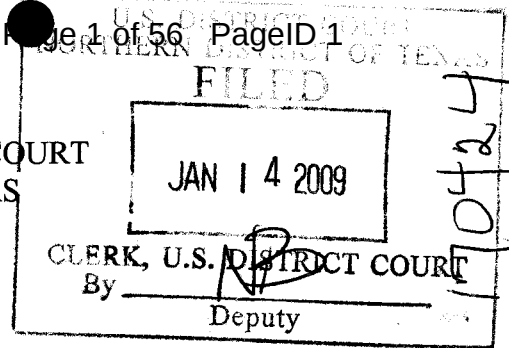


ORIGINAL
COIP

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



DANIEL EDWARDS, SR., AND
FELICIA EDWARDS,
AS NEXT FRIEND OF DANIEL
EDWARDS, JR.

Plaintiffs,

v.

GREENHILL SCHOOL,

Defendant.

CIVIL ACTION NO. _____

3-09CV0085-N

DEFENDANT GREENHILL SCHOOL'S NOTICE OF REMOVAL

28092

Pursuant to 28 U.S.C. §§ 1441, 1443, and 1446, and in accordance with 28 U.S.C. § 1331, Defendant Greenhill School, by its attorneys, hereby removes to the United States District Court for the Northern District of Texas, Dallas Division, the state court action described below. Removal is based on the following grounds:

1. On December 12, 2008, Daniel Edwards, Sr. and Felicia Edwards, as next friend of Daniel Edwards, Jr., commenced an action via an Original Petition ("Petition") in the 160th District Court of the State of Texas in and for the County of Dallas, against Greenhill School, bearing No. 08-15524, and captioned *Daniel Edwards, Sr. and Felicia Edwards, as next friend of Daniel Edwards, Jr., v. Greenhill School* (the "State Court Action").

2. Greenhill School received a copy of the Petition on December 16, 2008. This Notice of Removal is filed within thirty (30) days after receipt by Greenhill School of the Petition as required by 28 U.S.C. § 1446(b).

3. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant under 28 U.S.C. §

1441(b) and (c) and 28 U.S.C. § 1443, because the Petition contains a claim founded on or right arising under the United States Constitution and laws of the United States and involving a law providing for equal rights.

4. Plaintiffs' Petition states, in relevant part, that "Defendant discriminated against Plaintiff in connection with his education or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of the equal opportunity to learn or adversely affect his status because of Plaintiff's race, color, and national origin," and that "Defendant discriminated against Plaintiff on the basis of race, color and national origin with malice or with reckless indifference to the federal-protected rights of Plaintiff." Petition ¶ 12, 13.

5. 28 U.S.C. § 1331 provides original jurisdiction in the district courts of the United States for "all civil actions arising under the Constitution, laws, or treatise of the United States." 28 U.S.C. § 1331. The rights Plaintiffs attempt to invoke and enforce in their Petition – the right to equal protection of the laws and "federal-protected rights" – are rights created and guaranteed by the Fourteenth Amendment to the United States Constitution and federal statutes. Thus, because Plaintiffs' Petition is expressly and necessarily based on rights granted and guaranteed by the United States Constitution and federal statutes, jurisdiction is proper in this Court.

6. 28 U.S.C. § 1441(b) permits removal to federal district court of actions involving a federal question. Joinder of otherwise non-removable state law claims does not prohibit removal of the entire case to federal district court to determine all issues. 28 U.S.C. § 1441(c). Therefore, Plaintiffs' allegations of race-based discrimination and violation of federally protected rights present federal questions, and Plaintiffs' joinder of state law claims does not impede removal.

7. 28 U.S.C. § 1443 permits removal of civil actions “for any act under color of authority derived from any law providing for equal rights”. Plaintiffs allege deprivation of “equal opportunity” to learn. Thus, the Petition asserts a cause of action arising out of a law providing for equal rights and is therefore subject to removal.

8. True and correct copies of all process and pleadings served on Greenhill School are attached hereto as Exhibit A pursuant to 28 U.S.C. § 1446(a). Pursuant to Local Rule 81.1 of this Court, Exhibit B contains an index of all documents filed in the State Court Action, a copy of the docket sheet in the State Court Action, and a chronological, separately tabbed copy of each document filed in the State Court Action. A separately signed certificate of interested persons in compliance with Local Rule 3.1(f) is attached hereto as Exhibit C.

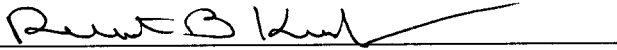
9. A copy of the Notice of Filing for Removal is attached hereto as Exhibit D. Promptly after filing this Notice with the United States District Clerk, Greenhill School will file a copy of the attached Exhibit D with the 160th District Court of the State of Texas in and for the County of Dallas, and will serve that notice on Plaintiffs as required under 28 U.S.C. § 1446(d).

WHEREFORE, Greenhill School removes the State Court Action now pending in the 160th District Court in and for the County of Dallas from that state court to this Court.

DATE: January 14, 2009

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: 

Robert B. Krakow

State Bar No. 11702000

Rkrakow@gibsondunn.com

2100 McKinney Avenue, Suite 1100

Dallas, Texas 75201

Telephone: (214) 698-3100

Facsimile: (214) 571-2900

ATTORNEYS FOR DEFENDANT

GREENHILL SCHOOL

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served by Certified Mail,

Return Receipt Requested, on this 14th day of January, 2009, as follows:

Ray Jackson
Jackson Law Center
2989 N. Stemmons Freeway
Dallas, TX 75247
Telephone: (214) 651-6250
Facsimile: (214) 651-6244
ATTORNEY FOR PLAINTIFFS,
Daniel Edwards, Sr., and Felicia Edwards,
as Next Friend of Daniel Edwards, Jr.



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DANIEL EDWARDS, SR., AND
FELICIA EDWARDS,
AS NEXT FRIEND OF DANIEL
EDWARDS, JR.

Plaintiffs,

v.

GREENHILL SCHOOL,

Defendant.

CIVIL ACTION NO. _____

**INDEX OF EXHIBITS TO DEFENDANT GREENHILL SCHOOL'S
NOTICE OF REMOVAL**

- A. **Plaintiffs' Original Petition** – file stamped December 12, 2008
- B. **Documents Required by Local Rule 81.1**
 - 1. **Docket Sheet** (certified copy) regarding Cause No. DC-08-15524 pending in the 160th Judicial District Court of Dallas County, Texas
 - 2. **Documents Filed** in Cause No. DC-08-15524 pending in the 160th Judicial District Court of Dallas County, Texas
- C. **Certificate of Interested Persons**
- D. **State Court Notice of Filing for Removal**

Exhibit A

A

FILED
08 DEC 12 PM 3:53
JRT
MARY FITZSIMMONS
DISTRICT CLERK
JULIAS CO. CLERK
TEXAS
DEPUTY

~~~~~

4-160th

**JUDICIAL DISTRICT**

OF DALLAS COUNTY, TEXAS

V.

PLAINTIFFS' ORIGINAL PETITION

NOW COME Daniel Edwards, Sr. and Felicia Edwards, as Next Friend of Daniel Edwards, Jr., hereinafter called Plaintiffs, complaining of and about Greenhill School, hereinafter called Defendant, and for cause of action show unto the Court the following:

## DISCOVERY CONTROL PLAN LEVEL

1. Plaintiffs intend that discovery be conducted under Discovery Level 2.

## PARTIES AND SERVICE

2. Plaintiff, Daniel Edwards, Sr., an Individual whose address is 4945 Berridge Lane Dallas, Texas 75227, brings this action as Next Friend of Daniel Edwards, Jr., an Individual.
3. The last three digits of the driver's license number of Daniel Edwards are 573. The last three digits of the social security number for Daniel Edwards are 5966.
4. Plaintiff, Felicia Edwards, an Individual whose address is 4945 Berridge Lane Dallas, Texas 75227, brings this action as Next Friend of Daniel Edwards, Jr., an Individual.
5. The last three digits of the driver's license number of Felicia Edwards are 219. The



last three digits of the social security number for Felicia Edwards are 485.

6. As used herein, "Plaintiff" shall include not only named Plaintiffs, but also persons whose claims are being represented by a Plaintiff.

7. Defendant Greenhill School, a Non-Profit School, may be served with process by *let* serving The Registered Agent of said Private School, Scott Griggs, at 4141 Spring Valley Road, *Atty* Addison, Texas 75001-3683. Service of said Defendant as described above can be effected by personal delivery.

### JURISDICTION AND VENUE

8. The subject matter in controversy is within the jurisdictional limits of this court.

9. This court has jurisdiction over the parties because Defendant is a Texas Non-Profit School.

10. Venue in Dallas County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

### FACTS

11. During the course of Daniel Edwards, Jr.'s ("D.J.") enrollment at Greenhill School he suffered continuous and systematic discrimination from faculty and staff because of his race. Throughout his time at Defendant school, it continued to approve this behavior by acquiescing and keeping the faculty and staff involved in the discrimination employed. DJ was made to endure being locked in the bathroom by his teacher as well as being told that he was not allowed to raise his hand and ask any questions in the classroom. Even more egregious, DJ's teachers lied on him to his parents that he said the word "Bitch." However, after an investigation, it was determined that it was

DJ's teachers who called Ms. Edwards, DJ's mom, a "Bitch." In addition, during the course of the fall semester, DJ was assaulted on separate occasions by two different Greenhill school teachers, Mrs. Dawne Hathaway and Ms. Carla Kinney. The first assault took place at the Collin County History Museum. On this field trip Ms. Hathaway grabbed DJ several times without cause. The severity of the grabbing was so egregious that a parent who was present felt compelled to provide an affidavit concerning the incident to local law enforcement. On another incident DJ raised his hand and Ms. Kinney, the Second Grade Teaching Fellow, went over to DJ and began saying that she didn't care what he wanted and told him again that she didn't care what he wanted. Later DJ asked to go to the bathroom and when he returned to the classroom, Ms. Kinney grabbed DJ's shirt by the throat area and drug him behind the cubby area in the class. There, she told him he was not allowed to ask anymore questions in the class. In another incident, Ms. Kinney assaulted DJ by grabbing him around his genitalia and began squeezing. DJ pleaded with her to stop grabbing him in that manner, but she continued and all the while she was admonishing and berating him. Defendant failed to act even after being made aware of what happened to DJ. In violation of Texas Law, Defendant failed to abide by its fiduciary duty to report to local police any claims of child abuse and possible sexual child abuse. Defendant not only failed to report this incident, it failed to even initiate any investigation into the possible criminal violations which occurred on its campus.

#### **DANIEL EDWARDS, JR.'S CLAIM FOR DISCRIMINATION**

12. Plaintiff incorporates paragraphs 1 through 11 as if recited verbatim herein.

Defendant discriminated against Plaintiff in connection with his education or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of the equal opportunity to learn or adversely affect his status because of Plaintiff's race, color and national origin. Routinely,

DJ was not allowed to ask questions in class and if he did he was threatened, assaulted and even locked in the bathroom.

13. Plaintiff alleges that Defendant discriminated against Plaintiff on the basis of race, color and national origin with malice or with reckless indifference to the federal-protected rights of Plaintiff.

**DANIEL EDWARDS, JR.'S CLAIM FOR INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

14. Plaintiff incorporates paragraphs 1 through 13 as if recited verbatim herein. Defendant intentionally or recklessly began systematically discriminating against DJ. In front of the other students, he was not allowed to raise his hand or to ask any questions. If other students indicated that DJ did anything he would be punished first and then after investigation, the teachers would always learn that the other students were lying on him. The other students did this because they knew they could get away with it based on what they had seen the teachers do to DJ, i.e., locking DJ in the bathroom and not allowing him to come out and assaulting him. Defendant knew that such behavior would subject Plaintiff to severe emotional distress because the defendant was just a child and would often show the signs of being mistreated.

15. The Defendant's conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized community. In particular, the conduct was outrageous because defendant knew and publicized in its mission the importance of fostering passion for learning and respect for others. As a school that had been existence for over 50 years and having recently experience a child committing suicide on its campus, the fragile nature of a child's psyche should be protected especially by those who are entrusted to do so.

16. The defendant's conduct proximately caused plaintiff damage in that it caused Plaintiff to suffer severe emotional distress. In particular, the defendant's conduct was the direct and proximate cause of severe mental pain and anguish as DJ began to have a lack of self worth and low self esteem. Believing that he could not be involved in the class or he may be assaulted or locked in the bathroom started to have an intense effect on him. In addition, DJ continues to suffer from extreme anxiety and nervousness caused by the treatment he received from Defendant. In addition, DJ is often unable to sleep at night and constantly recalls what happened to him. Plaintiffs have looked into seeking the services of a psychotherapist or counselor to assist DJ in dealing with his mental anguish.

17. In addition to severe emotional distress, DJ has suffered and will continue to suffer additional damages as a proximate result of the defendant's conduct in that, in all reasonable probability, plaintiff will continue to suffer this mental pain and anguish for a long time into the future.

#### **EXEMPLARY DAMAGES**

18. The conduct of defendant described in this petition was grossly negligent so as to entitle plaintiff to recover exemplary damages. In this connection, plaintiff will show that as a result of defendant's conduct, Plaintiff has suffered losses of time and other expenses, including attorney's fees incurred in the investigation and prosecution of this action. Accordingly, Plaintiff asks that exemplary damages be awarded against the defendants in a sum within the jurisdictional limits of the Court.

**DANIEL EDWARDS, JR.'S CLAIM FOR ASSAULT AND BATTERY**

19. Plaintiff incorporates paragraphs 1 through 18 as if recited verbatim herein.

DJ was criminally assaulted on more than one occasion while at Defendant's school by its faculty and staff. Although made completely aware, Defendant failed to report this possible criminal occurrence or even simply investigate it at all. Moreover, Defendant maintained status quo and made DJ continue to go to school every day and be in a classroom with his assaulters. Defendant intentionally and knowingly caused bodily injury to DJ by striking him and grabbing him in his genital area. Ms. Hathaway who is/was an employee of Defendant was acting within her scope of employment when she took the students on a field trip and assaulted DJ. Ms. Kinney was also an employee of Defendant and was acting within the course and scope of her employment when she assaulted DJ.

20. As a direct and proximate result of Defendant's conduct as alleged in this petition, Plaintiff sustained bodily injuries requiring attention.

21. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered physical pain and mental anguish to his damage in an amount within the jurisdictional limits of this Court.

**CLAIM FOR NEGLIGENCE, NEGLIGENT HIRING,  
RETENTION AND SUPERVISION**

22. Plaintiff incorporates by reference paragraphs 1- 21 set forth above.

23. Both Federal and State law imposes upon employers, a duty to hire, supervise, train and retain competent employees. Defendant was aware that at least 4 of its employs had either

assaulted DJ and or systematically discriminated against him in violation of state law and federal law.

24. Despite this fact Defendant totally and consciously disregarded these past behaviors and allowed these employees to remain employed and as a result DJ was subjected to continued assaults and discrimination until finally, DJ's parents were left with no choice but to remove him from the school.

25. Defendant owed a legal duty to Plaintiff to hire, supervise, train, or retain competent employees and/or in the alternative independent contractors. Defendant, with specific knowledge of the threat of danger posed by these conditions continued their employment and thereby failing to meet that duty.

26. Defendant failed to use ordinary care in retaining the employees. In fact, Defendant knew or should have known that their continued employment would create an unreasonable risk of harm to Plaintiff.

27. As a result of Defendant's breach of its duty to properly hire, train, and supervise its employees and/or in the alternative independent contractors, Plaintiff was caused to suffer severe emotional damage and bodily injuries.

**DAMAGES FOR INJURED PARTY, DANIEL EDWARDS, JR.**

28. As a direct and proximate result of the occurrence made the basis of this lawsuit, the subject of this lawsuit, Daniel Edwards, Jr., was caused to suffer severe damages, and to incur the following damages:

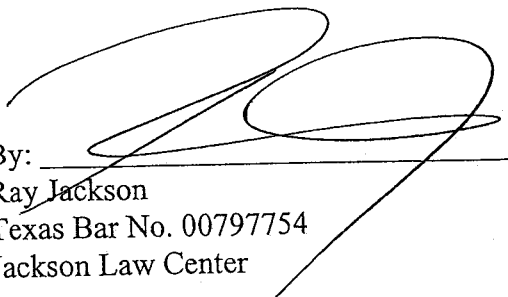
- A. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- B. Physical pain and suffering in the past;
- C. Mental anguish in the past,
- D. Mental anguish in the future; and
- E. Exemplary Damages.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiffs, Daniel Edwards, Sr., as Next Friend of Daniel Edwards, Jr. and Felicia Edwards, as Next Friend of Daniel Edwards, Jr., respectfully pray that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

The Jackson Law Firm

By:   
Ray Jackson  
Texas Bar No. 00797754  
Jackson Law Center

2989 N. Stemmons Freeway  
Dallas, Texas 75247  
Tel. (214) 651-6250  
Fax. (214) 651-6244  
Attorney for Plaintiffs  
Daniel Edwards, Sr., and Felicia Edwards, as Next  
Friend of Daniel Edwards, Jr.

**PLAINTIFFS HEREBY DEMAND TRIAL BY JURY**



**RETURN OF SERVICE AFFIDAVIT  
CAUSE #DC-08-15524**

**STATE OF TEXAS**

**COUNTY OF DALLAS**

I, Gregory D. Harper make the following representations to the District Court of Dallas County that I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.

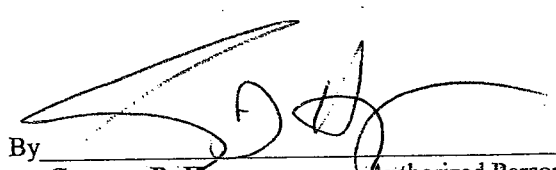
1. I am not less than 18 years of age.
2. I will neither request the authority to nor will I serve any process in any case in which I am a party or have an interest in the outcome of the case
3. I have never been convicted of a felony or misdemeanor involving moral turpitude in any state or federal jurisdiction.
4. I have studied and am familiar with the Texas Rules of Civil Procedure, Vernon's Civil Statutes, Civil Remedies Code and all other applicable rules and statutes relating to the service of citations and notices.

CAME TO HAND ON THE 15 DAY OF DECEMBER A.D. 20 08, AT  
1:00 O'CLOCK P.M. AND EXECUTED BY DELIVERING TO

**GREENHILL SCHOOL REG AGENT SCOTT GRIGGS 4141 VALLEY ROAD  
ADDISON, TEXAS 75001.**

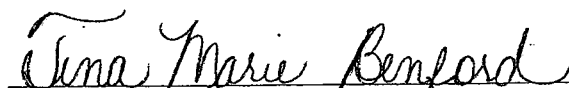
ON THE 16 DAY OF DECEMBER A.D. 20 08, AT 10:30 O'CLOCK A M., THE  
WITHIN NAMED DEFENDANT, IN PERSON, A TRUE COPY OF THIS CITATION, TOGETHER  
WITH A COPY OF ORIGINAL PETITION AND 106 ORDER PER RULE 106 ORDER WITH DATE  
OF SERVICE MARKED THEREON.

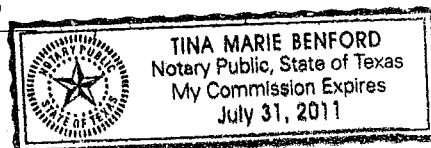
|         |    |       |
|---------|----|-------|
| SERVING | \$ | 70.00 |
| MILEAGE | \$ |       |
| NOTARY  | \$ |       |
| TOTAL   | \$ | 70.00 |

By  Authorized Person  
**Gregory D. Harper**  
**Texas Supreme Court ID#: 576**

BEFORE ME, the undersigned Notary Public on this day personally appeared Gregory D. Harper known to be the Person whose name is signed to the above affidavit and sworn to me that the representations contained in the above affidavit are true and correct.

Given under my hand and seal of office this 17 day of DECEMBER, 2008.

  
Notary Public in and for the State of Texas



**FORM NO. 353-3 - CITATION**  
**THE STATE OF TEXAS**

To:  
 GREENHILL SCHOOL  
 BY SERVING ITS REGISTERED AGENT SCOTT GRIGGS  
 4141 VALLEY ROAD  
 ADDISON TX 75001-3683

*12/10/08*

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 160th District Court at 600 Commerce Street, Dallas, Texas 75202.  
 Said Plaintiffs being **DANIEL EDWARDS, Sr. AND FELICIA EDWARDS, AS NEXT FRIEND OF DANIEL EDWARDS JR.**

Filed in said Court on this the 12th day of December, 2008 against

**GREENHILL SCHOOL**

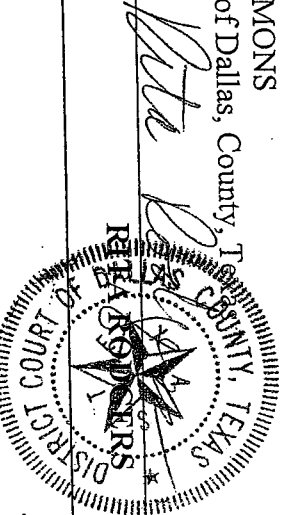
For suit, said suit being numbered DC-08-15524, the nature of which demand is as follows:  
 Suit On OTHER (CIVIL) etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

Given under my name and the Seal of said Court at office on this 15th day of December, 2008

ATTEST: GARY FITZSIMMONS  
 Clerk of the District Courts of Dallas, County, Texas

By



Deputy

ATTY

**CITATION**

No.: DC-08-15524

DANIEL EDWARDS, Sr., ETAL  
vs.  
GREENHILL SCHOOL

ISSUED  
 on this the  
 15th day of December, 2008

GARY FITZSIMMONS  
 Clerk District Courts,  
 Dallas County, Texas

By **RITA RODGERS**, Deputy

Attorney for Plaintiffs  
**RAY JACKSON**  
**2989 N STEMMONS FREEWAY**  
**DALLAS TX 75247**  
**214-651-6250**

**DALLAS COUNTY CONSTABLE**

**FEES PAID**

**FEES NOT PAID**

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed  
at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock  
\_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the within  
named \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.  
The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_  
For mileage \$ \_\_\_\_\_ Deputy  
For Notary \$ \_\_\_\_\_ By \_\_\_\_\_

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

**Exhibit B**

A large, thin, diagonal line runs from the upper right towards the bottom left. To the right of the text 'Exhibit B', there is a handwritten signature in black ink, consisting of a large, stylized letter 'B' with a long, sweeping tail that curves upwards and to the right.

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DANIEL EDWARDS, SR., AND  
FELICIA EDWARDS,  
AS NEXT FRIEND OF DANIEL  
EDWARDS, JR.

Plaintiffs,

v.

GREENHILL SCHOOL,

Defendant.

CIVIL ACTION NO. \_\_\_\_\_

**INDEX OF DOCUMENTS IN EXHIBIT B  
(DOCUMENTS REQUIRED BY LOCAL RULE 81.1)**

1. **Docket Sheet** (certified copy) regarding Cause No. DC-08-15524 pending in the 160th Judicial District Court of Dallas County, Texas
2. **Documents Filed** in Cause No. DC-08-15524 pending in the 160th Judicial District Court of Dallas County, Texas
  - a. **Citation and Officer's Return Certifying Service** issued December 15, 2008, served December 16 2008
  - b. **Plaintiffs' Original Petition** file stamped December 12, 2008

**Exhibit B. 1**

A large, thin, curved line starts from the bottom left and extends towards the top right. To the right of this line, there is a handwritten signature that appears to be 'B. 1'.

**DANIEL EDWARDS, Sr., et al**  
**vs.**  
**GREENHILL SCHOOL**

§  
§  
§  
§

Location: **160th District Court**  
Judicial Officer: **JORDAN, JIM**  
Filed on: **12/12/2008**

**CASE INFORMATION**

Case Type: **OTHER (CIVIL)**

**PARTY INFORMATION**

|                  |                                                           |                                                                              |
|------------------|-----------------------------------------------------------|------------------------------------------------------------------------------|
| <b>PLAINTIFF</b> | <b>EDWARDS, DANIEL, Sr.</b>                               | <i>Lead Attorneys</i><br><b>JACKSON, RAY</b> 214-651-6250<br><i>Retained</i> |
|                  | <b>FELICIA EDWARDS AS NEST FRIED OF DANIEL EDWARDS JR</b> |                                                                              |
| <b>DEFENDANT</b> | <b>GREENHILL SCHOOL</b>                                   |                                                                              |

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|------|------------------------------|-------|
|------|------------------------------|-------|

|            |                                                       |  |
|------------|-------------------------------------------------------|--|
| 12/12/2008 | ORIGINAL PETITION (OCA)                               |  |
| 12/12/2008 | ISSUE CITATION                                        |  |
| 12/15/2008 | <b>CITATION</b><br>GREENHILL SCHOOL served 12/16/2008 |  |

| DATE | FINANCIAL INFORMATION |
|------|-----------------------|
|------|-----------------------|

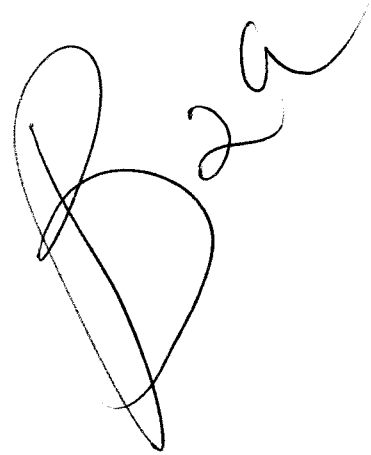
|            |                                                                  |             |
|------------|------------------------------------------------------------------|-------------|
|            | <b>PLAINTIFF EDWARDS, DANIEL, Sr.</b>                            |             |
|            | Total Charges                                                    | 230.00      |
|            | Total Payments and Credits                                       | 230.00      |
|            | <b>Balance Due as of 1/6/2009</b>                                | <b>0.00</b> |
| 12/12/2008 | Charge PLAINTIFF EDWARDS, DANIEL, Sr.                            | 222.00      |
| 12/12/2008 | Charge PLAINTIFF EDWARDS, DANIEL, Sr.                            | 8.00        |
| 12/12/2008 | PAYMENT Receipt # 80136-2008-DCLK PLAINTIFF EDWARDS, DANIEL, Sr. | (230.00)    |
| 12/15/2008 | Void PLAINTIFF EDWARDS, DANIEL, Sr.                              | 230.00      |
| 12/24/2008 | PAYMENT Receipt # 82696-2008-DCLK PLAINTIFF EDWARDS, DANIEL, Sr. | (230.00)    |





# MEMORANDUM OF PAPERS FILED CONTINUED

— 100 —

A handwritten signature or set of initials in black ink. It appears to consist of a large, stylized letter 'B' followed by the number '2' and the letter 'a' in a cursive script.

**a**  
**(Exhibit B.2.a)**

**RETURN OF SERVICE AFFIDAVIT  
CAUSE #DC-08-15524**

**STATE OF TEXAS**

**COUNTY OF DALLAS**

I, Gregory D. Harper make the following representations to the District Court of Dallas County, Texas, based on my personal knowledge of the facts and statements contained in this affidavit and each is true and correct.

1. I am not less than 18 years of age.
2. I will neither request the authority to nor will I serve any process in any case in which I am a party or have an interest in the outcome of the case
3. I have never been convicted of a felony or misdemeanor involving moral turpitude in any state or federal jurisdiction.
4. I have studied and am familiar with the Texas Rules of Civil Procedure, Vernon's Civil Statutes, Civil Remedies Code and all other applicable rules and statutes relating to the service of citations and notices.

CAME TO HAND ON THE 15 DAY OF DECEMBER A.D. 20 08, AT  
1:00 O'CLOCK P.M. AND EXECUTED BY DELIVERING TO

**GREENHILL SCHOOL REG AGENT SCOTT GRIGGS 4141 VALLEY ROAD  
ADDISON, TEXAS 75001.**

ON THE 16 DAY OF DECEMBER A.D. 20 08, AT 10:30 O'CLOCK A M., THE  
WITHIN NAMED DEFENDANT, IN PERSON, A TRUE COPY OF THIS CITATION, TOGETHER  
WITH A COPY OF ORIGINAL PETITION AND 106 ORDER PER RULE 106 ORDER WITH DATE  
OF SERVICE MARKED THEREON.

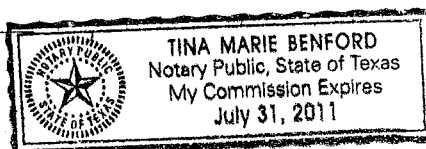
|         |    |       |
|---------|----|-------|
| SERVING | \$ | 70.00 |
| MILEAGE | \$ |       |
| NOTARY  | \$ |       |
| TOTAL   | \$ | 70.00 |

By Gregory D. Harper Authorized Person  
Texas Supreme Court ID#: 576

BEFORE ME, the undersigned Notary Public on this day personally appeared Gregory D. Harper known to be the Person whose name is signed to the above affidavit and sworn to me that the representations contained in the above affidavit are true and correct.

Given under my hand and seal of office this 17 day of DECEMBER, 2008.

Tina Marie Benford  
Notary Public in and for the State of Texas



**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To:  
GREENHILL SCHOOL  
BY SERVING ITS REGISTERED AGENT SCOTT GRIGGS  
4141 VALLEY ROAD  
ADDISON TX 75001-3683

*12/11/08*

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 160th District Court at 600 Commerce Street, Dallas, Texas 75202.  
Said Plaintiffs being **DANIEL EDWARDS, Sr. AND FELICIA EDWARDS, AS NEXT FRIEND OF DANIEL EDWARDS JR.**

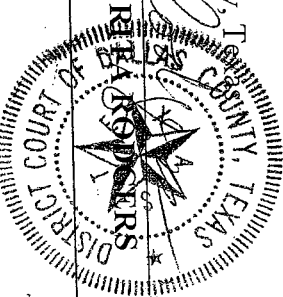
Filed in said Court on this the 12th day of December, 2008 against

**GREENHILL SCHOOL**

For suit, said suit being numbered DC-08-15524, the nature of which demand is as follows:  
Suit On OTHER (CIVIL) etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.  
WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.  
Given under my name and the Seal of said Court at office on this **15th day of December, 2008**

ATTEST: GARY FITZSIMMONS  
Clerk of the District Courts of Dallas, County, Texas

By *[Signature]* Deputy



ATTY

**CITATION**

No.: DC-08-15524

DANIEL EDWARDS, Sr. ETAL  
vs.  
GREENHILL SCHOOL

ISSUED  
on this the  
**15th day of December, 2008**

GARY FITZSIMMONS  
Clerk District Courts,  
Dallas County, Texas

By **RITA RODGERS**, Deputy

Attorney for Plaintiffs  
**RAY JACKSON**  
**2989 N STEMMONS FREEWAY**  
**DALLAS TX 75247**  
**214-651-6250**

**DALLAS COUNTY CONSTABLE**

**FEES PAID**  
**FEES NOT PAID**

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed  
at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock  
\_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by delivering to the within  
named \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.  
The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_  
For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_  
For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy \_\_\_\_\_

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

A handwritten signature, possibly reading 'B.2b', is written in the upper right quadrant of the page. The signature is composed of several loops and a trailing '2b'.

**b**  
**(Exhibit B.2b)**

08.15524

~~~~~

FILED
08 DEC 12 PM 3:53
CLERK
DISTRICT COURT
JURY
JURY
JURY

4-160th

JUDICIAL DISTRICT

OF DALLAS COUNTY, TEXAS

Page 1 of 9

last three digits of the social security number for Felicia Edwards are 485.

6. As used herein, "Plaintiff" shall include not only named Plaintiffs, but also persons whose claims are being represented by a Plaintiff.

7. Defendant Greenhill School, a Non-Profit School, may be served with process by *1ct* serving The Registered Agent of said Private School, Scott Griggs, at 4141 Spring Valley Road, *Atty* Addison, Texas 75001-3683. Service of said Defendant as described above can be effected by personal delivery.

JURISDICTION AND VENUE

8. The subject matter in controversy is within the jurisdictional limits of this court.

9. This court has jurisdiction over the parties because Defendant is a Texas Non-Profit School.

10. Venue in Dallas County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

11. During the course of Daniel Edwards, Jr.'s ("D.J.") enrollment at Greenhill School he suffered continuous and systematic discrimination from faculty and staff because of his race. Throughout his time at Defendant school, it continued to approve this behavior by acquiescing and keeping the faculty and staff involved in the discrimination employed. DJ was made to endure being locked in the bathroom by his teacher as well as being told that he was not allowed to raise his hand and ask any questions in the classroom. Even more egregious, DJ's teachers lied on him to his parents that he said the word "Bitch." However, after an investigation, it was determined that it was

DJ's teachers who called Ms. Edwards, DJ's mom, a "Bitch." In addition, during the course of the fall semester, DJ was assaulted on separate occasions by two different Greenhill school teachers, Mrs. Dawne Hathaway and Ms. Carla Kinney. The first assault took place at the Collin County History Museum. On this field trip Ms. Hathaway grabbed DJ several times without cause. The severity of the grabbing was so egregious that a parent who was present felt compelled to provide an affidavit concerning the incident to local law enforcement. On another incident DJ raised his hand and Ms. Kinney, the Second Grade Teaching Fellow, went over to DJ and began saying that she didn't care what he wanted and told him again that she didn't care what he wanted. Later DJ asked to go to the bathroom and when he returned to the classroom, Ms. Kinney grabbed DJ's shirt by the throat area and drug him behind the cubby area in the class. There, she told him he was not allowed to ask anymore questions in the class. In another incident, Ms. Kinney assaulted DJ by grabbing him around his genitalia and began squeezing. DJ pleaded with her to stop grabbing him in that manner, but she continued and all the while she was admonishing and berating him. Defendant failed to act even after being made aware of what happened to DJ. In violation of Texas Law, Defendant failed to abide by its fiduciary duty to report to local police any claims of child abuse and possible sexual child abuse. Defendant not only failed to report this incident, it failed to even initiate any investigation into the possible criminal violations which occurred on its campus.

DANIEL EDWARDS, JR.'S CLAIM FOR DISCRIMINATION

12. Plaintiff incorporates paragraphs 1 through 11 as if recited verbatim herein.

Defendant discriminated against Plaintiff in connection with his education or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of the equal opportunity to learn or adversely affect his status because of Plaintiff's race, color and national origin. Routinely,

DJ was not allowed to ask questions in class and if he did he was threatened, assaulted and even locked in the bathroom.

13. Plaintiff alleges that Defendant discriminated against Plaintiff on the basis of race, color and national origin with malice or with reckless indifference to the federal-protected rights of Plaintiff.

**DANIEL EDWARDS, JR.'S CLAIM FOR INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS**

14. Plaintiff incorporates paragraphs 1 through 13 as if recited verbatim herein. Defendant intentionally or recklessly began systematically discriminating against DJ. In front of the other students, he was not allowed to raise his hand or to ask any questions. If other students indicated that DJ did anything he would be punished first and then after investigation, the teachers would always learn that the other students were lying on him. The other students did this because they knew they could get away with it based on what they had seen the teachers do to DJ, i.e., locking DJ in the bathroom and not allowing him to come out and assaulting him. Defendant knew that such behavior would subject Plaintiff to severe emotional distress because the defendant was just a child and would often show the signs of being mistreated.

15. The Defendant's conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized community. In particular, the conduct was outrageous because defendant knew and publicized in its mission the importance of fostering passion for learning and respect for others. As a school that had been existence for over 50 years and having recently experience a child committing suicide on its campus, the fragile nature of a child's psyche should be protected especially by those who are entrusted to do so.

16. The defendant's conduct proximately caused plaintiff damage in that it caused Plaintiff to suffer severe emotional distress. In particular, the defendant's conduct was the direct and proximate cause of severe mental pain and anguish as DJ began to have a lack of self worth and low self esteem. Believing that he could not be involved in the class or he may be assaulted or locked in the bathroom started to have an intense effect on him. In addition, DJ continues to suffer from extreme anxiety and nervousness caused by the treatment he received from Defendant. In addition, DJ is often unable to sleep at night and constantly recalls what happened to him. Plaintiffs have looked into seeking the services of a psychotherapist or counselor to assist DJ in dealing with his mental anguish.

17. In addition to severe emotional distress, DJ has suffered and will continue to suffer additional damages as a proximate result of the defendant's conduct in that, in all reasonable probability, plaintiff will continue to suffer this mental pain and anguish for a long time into the future.

EXEMPLARY DAMAGES

18. The conduct of defendant described in this petition was grossly negligent so as to entitle plaintiff to recover exemplary damages. In this connection, plaintiff will show that as a result of defendant's conduct, Plaintiff has suffered losses of time and other expenses, including attorney's fees incurred in the investigation and prosecution of this action. Accordingly, Plaintiff asks that exemplary damages be awarded against the defendants in a sum within the jurisdictional limits of the Court.

DANIEL EDWARDS, JR.'S CLAIM FOR ASSAULT AND BATTERY

19. Plaintiff incorporates paragraphs 1 through 18 as if recited verbatim herein.

DJ was criminally assaulted on more than one occasion while at Defendant's school by its faculty and staff. Although made completely aware, Defendant failed to report this possible criminal occurrence or even simply investigate it at all. Moreover, Defendant maintained status quo and made DJ continue to go to school every day and be in a classroom with his assaulters. Defendant intentionally and knowingly caused bodily injury to DJ by striking him and grabbing him in his genital area. Ms. Hathaway who is/was an employee of Defendant was acting within her scope of employment when she took the students on a field trip and assaulted DJ. Ms. Kinney was also an employee of Defendant and was acting within the course and scope of her employment when she assaulted DJ.

20. As a direct and proximate result of Defendant's conduct as alleged in this petition, Plaintiff sustained bodily injuries requiring attention.

21. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered physical pain and mental anguish to his damage in an amount within the jurisdictional limits of this Court.

**CLAIM FOR NEGLIGENCE, NEGLIGENT HIRING,
RETENTION AND SUPERVISION**

22. Plaintiff incorporates by reference paragraphs 1- 21 set forth above.

23. Both Federal and State law imposes upon employers, a duty to hire, supervise, train and retain competent employees. Defendant was aware that at least 4 of its employs had either

assaulted DJ and or systematically discriminated against him in violation of state law and federal law.

24. Despite this fact Defendant totally and consciously disregarded these past behaviors and allowed these employees to remain employed and as a result DJ was subjected to continued assaults and discrimination until finally, DJ's parents were left with no choice but to remove him from the school.

25. Defendant owed a legal duty to Plaintiff to hire, supervise, train, or retain competent employees and/or in the alternative independent contractors. Defendant, with specific knowledge of the threat of danger posed by these conditions continued their employment and thereby failing to meet that duty.

26. Defendant failed to use ordinary care in retaining the employees. In fact, Defendant knew or should have known that their continued employment would create an unreasonable risk of harm to Plaintiff.

27. As a result of Defendant's breach of its duty to properly hire, train, and supervise its employees and/or in the alternative independent contractors, Plaintiff was caused to suffer severe emotional damage and bodily injuries.

DAMAGES FOR INJURED PARTY, DANIEL EDWARDS, JR.

28. As a direct and proximate result of the occurrence made the basis of this lawsuit, the subject of this lawsuit, Daniel Edwards, Jr., was caused to suffer severe damages, and to incur the following damages:

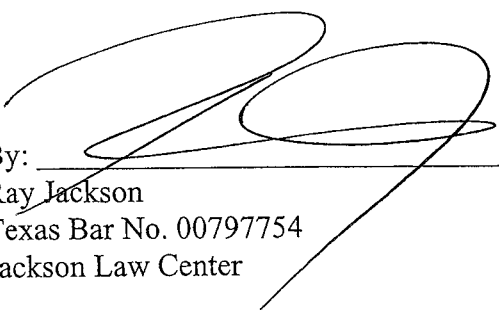
- A. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- B. Physical pain and suffering in the past;
- C. Mental anguish in the past,
- D. Mental anguish in the future; and
- E. Exemplary Damages.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Daniel Edwards, Sr., as Next Friend of Daniel Edwards, Jr. and Felicia Edwards, as Next Friend of Daniel Edwards, Jr., respectfully pray that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

The Jackson Law Firm

By: 
Ray Jackson
Texas Bar No. 00797754
Jackson Law Center

2989 N. Stemmons Freeway
Dallas, Texas 75247
Tel. (214) 651-6250
Fax. (214) 651-6244
Attorney for Plaintiffs
Daniel Edwards, Sr., and Felicia Edwards, as Next
Friend of Daniel Edwards, Jr.

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY

Exhibit C



IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DANIEL EDWARDS, SR., AND
FELICIA EDWARDS,
AS NEXT FRIEND OF DANIEL
EDWARDS, JR.

Plaintiffs,

v.

GREENHILL SCHOOL,

Defendant.

CIVIL ACTION NO. _____

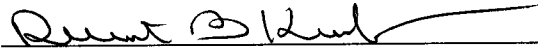
**DEFENDANT GREENHILL SCHOOL'S
CERTIFICATE OF INTERESTED PERSONS**

Defendant Greenhill School, pursuant to Local Rule 3.1(f) and Local Rule 81.1(a)(3)(D) and other applicable law, certifies to this Court that the following is a list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insureers, affiliates, parent or subsidiary corporations, or other legal entities who or which are financially interested in the outcome of the above captioned case:

- 1) Daniel Edwards, Sr.
- 2) Felicia Edwards
- 3) Daniel Edwards, Jr.
- 4) Greenhill School
- 5) Great American Insurance Company
- 6) GuideOne Insurance

DATE: January 14, 2009.

Respectfully submitted,
GIBSON, DUNN & CRUTCHER LLP

By: 

Robert B. Krakow

State Bar No. 11702000 ✓

Rkrakow@gibsondunn.com

2100 McKinney Avenue, Suite 1100

Dallas, Texas 75201

Telephone: (214) 698-3100

Facsimile: (214) 571-2900

**ATTORNEYS FOR DEFENDANT
GREENHILL SCHOOL**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served via Certified Mail,

Return Receipt Requested, on this 14th day of January, 2009, as follows:

Ray Jackson
Jackson Law Center
2989 N. Stemmons Freeway
Dallas, TX 75247
Telephone: (214) 651-6250
Facsimile: (214) 651-6244
ATTORNEY FOR PLAINTIFFS,
Daniel Edwards, Sr., and Felicia Edwards,
as Next Friend of Daniel Edwards, Jr.

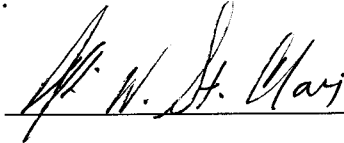


Exhibit D

A large, handwritten signature in black ink is positioned on the right side of the page, extending from the top right towards the bottom. The signature is stylized and appears to be a cursive representation of a name.

NO. 08-15524

DANIEL EDWARDS, SR., AND
FELICIA EDWARDS,
AS NEXT FRIEND OF DANIEL
EDWARDS, JR.

Plaintiffs,

v.

GREENHILL SCHOOL,

Defendant.

IN THE 160th JUDICIAL

DISTRICT COURT OF

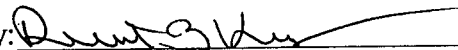
DALLAS COUNTY, TEXAS

**DEFENDANT GREENHILL SCHOOL'S NOTICE OF
FILING FOR REMOVAL**

Please take notice that Defendant Greenhill School has, under federal law, filed with the Clerk of the United States District Court for the Northern District of Texas, Dallas Division, its Notice of Removal, a copy of which is attached as Exhibit 1 to this document, and that this action is removed to the United States District Court for trial as of today, January 14, 2009. This Court is respectfully requested to proceed no further in this action, unless and until such time as the action may be remanded by order of the United States District Court.

DATE: January 14, 2009.

Respectfully submitted,
GIBSON, DUNN & CRUTCHER LLP

By: 

Robert B. Krakow
State Bar No. 11702000
Rkrakow@gibsondunn.com
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Telephone: (214) 698-3100
Facsimile: (214) 571-2900

**ATTORNEYS FOR DEFENDANT
GREENHILL SCHOOL**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served via Certified Mail,

Return Receipt Requested, on this 14th day of January, 2009, as follows:

Ray Jackson
Jackson Law Center
2989 N. Stemmons Freeway
Dallas, TX 75247
Telephone: (214) 651-6250
Facsimile: (214) 651-6244
ATTORNEY FOR PLAINTIFFS,
Daniel Edwards, Sr., and Felicia Edwards,
as Next Friend of Daniel Edwards, Jr.



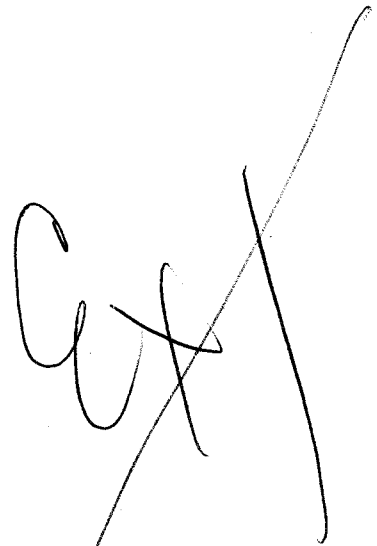
A handwritten signature, possibly reading 'Cox', is located in the upper right quadrant of the page. A long, thin, curved line starts below the signature and extends downwards and to the left, crossing the 'Exhibit 1' text.

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DANIEL EDWARDS, SR., AND
FELICIA EDWARDS,
AS NEXT FRIEND OF DANIEL
EDWARDS, JR.

Plaintiffs,

v.

GREENHILL SCHOOL,

Defendant.

CIVIL ACTION NO. _____

DEFENDANT GREENHILL SCHOOL'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441, 1443, and 1446, and in accordance with 28 U.S.C. § 1331, Defendant Greenhill School, by its attorneys, hereby removes to the United States District Court for the Northern District of Texas, Dallas Division, the state court action described below. Removal is based on the following grounds:

1. On December 12, 2008, Daniel Edwards, Sr. and Felicia Edwards, as next friend of Daniel Edwards, Jr., commenced an action via an Original Petition ("Petition") in the 160th District Court of the State of Texas in and for the County of Dallas, against Greenhill School, bearing No. 08-15524, and captioned *Daniel Edwards, Sr. and Felicia Edwards, as next friend of Daniel Edwards, Jr., v. Greenhill School* (the "State Court Action").

2. Greenhill School received a copy of the Petition on December 16, 2008. This Notice of Removal is filed within thirty (30) days after receipt by Greenhill School of the Petition as required by 28 U.S.C. § 1446(b).

3. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant under 28 U.S.C. §

1441(b) and (c) and 28 U.S.C. § 1443, because the Petition contains a claim founded on or right arising under the United States Constitution and laws of the United States and involving a law providing for equal rights.

4. Plaintiffs' Petition states, in relevant part, that "Defendant discriminated against Plaintiff in connection with his education or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of the equal opportunity to learn or adversely affect his status because of Plaintiff's race, color, and national origin," and that "Defendant discriminated against Plaintiff on the basis of race, color and national origin with malice or with reckless indifference to the federal-protected rights of Plaintiff." Petition ¶ 12, 13.

5. 28 U.S.C. § 1331 provides original jurisdiction in the district courts of the United States for "all civil actions arising under the Constitution, laws, or treatise of the United States." 28 U.S.C. § 1331. The rights Plaintiffs attempt to invoke and enforce in their Petition – the right to equal protection of the laws and "federal-protected rights" – are rights created and guaranteed by the Fourteenth Amendment to the United States Constitution and federal statutes. Thus, because Plaintiffs' Petition is expressly and necessarily based on rights granted and guaranteed by the United States Constitution and federal statutes, jurisdiction is proper in this Court.

6. 28 U.S.C. § 1441(b) permits removal to federal district court of actions involving a federal question. Joinder of otherwise non-removable state law claims does not prohibit removal of the entire case to federal district court to determine all issues. 28 U.S.C. § 1441(c). Therefore, Plaintiffs' allegations of race-based discrimination and violation of federally protected rights present federal questions, and Plaintiffs' joinder of state law claims does not impede removal.

7. 28 U.S.C. § 1443 permits removal of civil actions “for any act under color of authority derived from any law providing for equal rights”. Plaintiffs allege deprivation of “equal opportunity” to learn. Thus, the Petition asserts a cause of action arising out of a law providing for equal rights and is therefore subject to removal.

8. True and correct copies of all process and pleadings served on Greenhill School are attached hereto as Exhibit A pursuant to 28 U.S.C. § 1446(a). Pursuant to Local Rule 81.1 of this Court, Exhibit B contains an index of all documents filed in the State Court Action, a copy of the docket sheet in the State Court Action, and a chronological, separately tabbed copy of each document filed in the State Court Action. A separately signed certificate of interested persons in compliance with Local Rule 3.1(f) is attached hereto as Exhibit C.

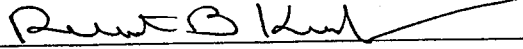
9. A copy of the Notice of Filing for Removal is attached hereto as Exhibit D. Promptly after filing this Notice with the United States District Clerk, Greenhill School will file a copy of the attached Exhibit D with the 160th District Court of the State of Texas in and for the County of Dallas, and will serve that notice on Plaintiffs as required under 28 U.S.C. § 1446(d).

WHEREFORE, Greenhill School removes the State Court Action now pending in the 160th District Court in and for the County of Dallas from that state court to this Court.

DATE: January 14, 2009

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: 

Robert B. Krakow

State Bar No. 11702000

Rkrakow@gibsondunn.com

2100 McKinney Avenue, Suite 1100

Dallas, Texas 75201

Telephone: (214) 698-3100

Facsimile: (214) 571-2900

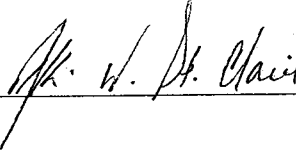
**ATTORNEYS FOR DEFENDANT
GREENHILL SCHOOL**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served by Certified Mail,

Return Receipt Requested, on this 14th day of January, 2009, as follows:

Ray Jackson
Jackson Law Center
2989 N. Stemmons Freeway
Dallas, TX 75247
Telephone: (214) 651-6250
Facsimile: (214) 651-6244
ATTORNEY FOR PLAINTIFFS,
Daniel Edwards, Sr., and Felicia Edwards,
as Next Friend of Daniel Edwards, Jr.



JS 44
(Rev. 3/99)

CIVIL COVER SHEET

RECEIVED
JAN 14 2009
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Daniel Edwards

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

3-09CV00085-N
Greenhill SchoolCOUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Dallas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ray Jackson
Jackson Law Center
2989 N. Stemmons Freeway, Dallas, TX 75247
(214) 651-6250

ATTORNEYS (IF KNOWN)

Robert B. Krakow
Gibson Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1100, Dallas, TX 75201
(214) 698-3100

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 366 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1995f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 550 Securities/Commodities/Exchange <input type="checkbox"/> 575 Customer Challenge 12 USC 3410 <input type="checkbox"/> 591 Agricultural Acts <input type="checkbox"/> 592 Economic Stabilization Act <input type="checkbox"/> 593 Environmental Matters <input type="checkbox"/> 594 Energy Allocation Act <input type="checkbox"/> 595 Freedom of Information Act <input type="checkbox"/> 596 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 597 Constitutionality of State Statutes <input type="checkbox"/> 598 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 445 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. §§ 1441, 1443 - Petition alleging civil rights violations premised on race based discrimination removed from state court.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NOVIII. RELATED CASE(S) (See instructions):
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

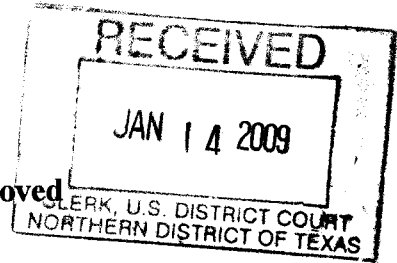
1/14/09
FOR OFFICE USE ONLY

Robert B. Krakow

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ORIGINAL

United States District Court
Northern District of Texas



Supplemental Civil Cover Sheet For Cases Removed
From State Court

3-09C V0085-N

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S.
District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>
160th Civil District Court of Dallas County, TX	08-15524

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

<u>Party and Party Type</u>	<u>Attorney(s)</u>
Plaintiffs: Daniel Edwards, Sr., and Felecia Edwards, as next friend of Daniel Edwards, Jr.	Ray Jackson Jackson Law Center 2989 N. Stemmons Freeway Dallas, TX 75247 (214) 651-6250 TX Bar No.: 00797754

Defendant: **SEE ATTACHED**

3. Jury Demand:

Was a Jury Demand made in State Court? ☒ Yes • No

If "Yes," by which party and on what date?

Plaintiffs
Party

December 12, 2008
Date

Supplemental Civil Cover Sheet
Page 2

4. **Answer:**

Was an Answer made in State Court? ☒ Yes • No

If "Yes," by which party and on what date?

Defendant
Party

January 9, 2009
Date

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>
N/A	

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>
N/A	

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Plaintiffs	Plaintiffs' claims include: race based discrimination in violation of federally protected rights; intentional infliction of emotional distress; assault; battery, and; negligent hiring, retention and supervision.

Supplemental Civil Cover Sheet
Page 3

Counsel for Defendant, Greenhill School

GIBSON, DUNN & CRUTCHER LLP

Robert B. Krakow

State Bar No. 11702000

Rkrakow@gibsondunn.com

2100 McKinney Avenue, Suite 1100

Dallas, Texas 75201

Telephone: (214) 698-3100

Facsimile: (214) 571-2900